



Interoffice Memorandum

June 6, 2024

TO: Mayor Jerry L. Demings
-AND-
County Commissioners

FROM: Tanya Wilson, AICP, Director
Planning, Environmental, and Development Services Department

CONTACT PERSON: **Joseph C. Kunkel, P.E., DRC Chairman**
Development Review Committee
Public Works Department
(407) 836-7971

SUBJECT: July 9, 2024 – Public Hearing
Applicant(s): Jonathan Martin, P.E., Kimley-Horn & Associates, Inc.
Project Name: The Place at Alafaya Student Housing Land Use Plan
Project No.: LUP-23-04-127 / District 5

This public hearing is to consider a recommendation from the Planning and Zoning Commission's (PZC) meeting of March 21, 2024, to approve The Place at Alafaya Student Housing Land Use Plan to rezone one (1) parcel containing 25.41 gross acres from UR-3 (University Residential District) to PD (Planned Development) to construct a 2,400-bed student housing development. The existing multi-family development will be demolished, and a new student housing development will be developed on site. The project is located at 11600 Mackay Boulevard and is generally located generally located south of University Boulevard, north of Lokantosa Trail, and west of Alafaya Trail.

Additionally, the applicant is requesting five waivers from Orange County Code to allow for an increase in maximum building coverage of all buildings; to allow an increase in building height up to five stories (70 feet); to remove the requirement for a six-foot wall to separate a multi-family development from any adjacent single-family; to remove the separation requirement between student housing and single-family development; to increase the maximum number of allowable beds from 750 to 2,400 beds; and to reduce the parking ratio from 1.0 space per bedroom to 0.9 spaces per bedroom.

A community meeting was held on July 17, 2023, at Florida Technical College. Notices were sent to properties within a 1,500-foot radius. No residents were in attendance.

The required Specific Project Expenditure Report and Relationship Disclosure Forms have been completed in accordance with the requirements of Article X, Chapter 2, Orange County Code, as may be amended from time to time, and copies of these documents and the plans may be found in the Planning Division for further reference.

ACTION REQUESTED: **Make a finding of consistency with the Comprehensive Plan and approve The Place at Alafaya Student Housing Land Use Plan (LUP-23-04-127) dated "Received February 22, 2024", subject to the conditions listed under the PZC Recommendation in the Staff Report. District 5**

TW/JCK/rb
Attachments

CASE # LUP-23-04-127

Commission District: # 1

GENERAL INFORMATION

APPLICANT	Jonathan Martin, P.E., Kimley-Horn & Associates, Inc.
OWNER	BW Arbour Apartments LLC
PROJECT NAME	The Place at Alafaya Student Housing Land Use Plan
PARCEL ID NUMBER(S)	09-22-31-0000-00-006
TRACT SIZE	25.41 acres
LOCATION	11600 Mackay Boulevard; South of University Boulevard / North of Lokantosa Trail / West of Alafaya Trail

REQUEST A request to rezone one (1) parcel containing 25.41 gross acres from University Residential District (UR-3) to Planned Development (PD), in order to construct a 2,400-bed student housing development. The request also includes the following waivers from Orange County Code:

1. A waiver from Section 38-1258 (b) to allow multi-family buildings at a height of five (5) stories and seventy (70) feet within three hundred (300) ft. of the north property line, and multi-family buildings at a height of eight (8) stories and one hundred ten (110) feet for the remainder of the site, in lieu of a maximum height of three (3) stories, and forty (40) tall.

Applicant Justification: Due to the environmental and shape constraints of the site, the building needs the increased height to allow for enough units to create more cost-effective options for students.

2. A waiver from Section 38-1258(d) to allow no masonry, brick or block wall in lieu of a six-foot high masonry, brick, or block wall shall be constructed, wherever a multi-family development is located adjacent to single family zoned property.

Applicant Justification: The project has A-2 property on the west boundary and R-2 to the south. For the adjacent properties zoned A-2: The properties are Class I wetlands owned by the State of Florida and Orange County BCC and will never be developed. For the adjacent property zoned R-2: There is over 400' of naturally preserved forested wetland area that lies between developable portion of the project site and

the nearest developable area to the south. The R-2 property is currently developed as multi-family units.

3. A waiver from Section 38-1259 (b) to allow no separation between student housing development and single-family zoned property in lieu of a minimum distance separation of four hundred feet (400').

Applicant Justification: *The existing use is currently student housing and lies within 400' of the adjacent R-2 zoned property to the south. The 400' of land that lies between the developed area of both parcels is naturally preserved forested wetland area.*

4. A waiver from Section 38-1259 (c) to allow development of twenty-four hundred (2,400) total bedrooms in lieu of not more than seven hundred and fifty (750) total bedrooms.

Applicant Justification: *To be consistent with the approved Comprehensive Plan Amendment (2012-1-A-5-1) which allows for twenty-four hundred (2,400) total beds.*

5. A waiver from Section 38-1476 (a) to allow for student housing parking at a ratio of nine tenths (0.9) spaces per bedroom, in lieu of one (1.0) space per bedroom.

Applicant Justification: *Based on the parking study conducted for this site by Emanuelle D Rodriguez Muñiz, P.E. on April 10, 2023, the proposed ratio (0.9 spaces per bedroom) is adequate to serve the site's anticipated parking demand.*

PUBLIC NOTIFICATION The notification area for this public hearing extended beyond 1,500 feet. Chapter 30-40(c)(3)(a) of Orange County Code requires the owners of the property within three hundred (300) feet of the subject property to be notified at least 10 days prior to the date of the hearing. Three hundred and forty-six (346) notices were mailed to those property owners in the mailing area.

IMPACT ANALYSIS

Project Overview

The applicant is seeking to rezone the subject parcel from University Residential District (UR-3) to Planned Development (PD) in order to construct a 2,400 bed student housing development. The proposal is to demolish the existing development, which was originally constructed as a multi-family development in the 1970s and construct a new student housing development. The existing access drive to Alafaya Trail will continue to be the primary access to the property, however, potential future access points have been added to the plan in case the properties to the north or south ever redevelop.

The applicant is also seeking approval of five (5) waivers from Orange County Code to allow for an increase in maximum building coverage of all buildings, to allow an increase in building height up to five stories (70 feet), to remove the requirement for a six-foot wall to separate a multi-family development from any adjacent single-family, to remove the separation requirement between student housing and single-family development, to increase the maximum number of allowable beds from 750 to 2,400 beds, and to reduce the parking ratio from 1.0 space per bedroom to 0.9 spaces per bedroom.

SITE DATA

Existing Use	Multi-family Residential
Adjacent Zoning	N: U-R-3 (University Residential District) (1971) E: R-3 (Multi-Family Dwelling District) (1967) W: A-2 (Farmland Rural) (1957) S: P-D (Planned Development) (1969)
Adjacent Land Uses	N: Duplex Subdivision E: University of Central Florida W: Conservation Area S: Multi-family Student Housing

APPLICABLE PD DEVELOPMENT STANDARDS

PD Perimeter Setback:	25 feet
Maximum Building Height:	75 feet (5 stories) within the first 300 feet of the northmost property line; 110 feet (8 stories) outside the first 300 feet.

Minimum Building Setbacks

Front Setback (S.R. 434):	25 feet
Rear Setback:	25 feet
Side Setback:	25 feet
Minimum Open Space:	25%

Land Use Compatibility

The proposed development program is compatible with existing development in the area and would not adversely impact any adjacent properties.

Comprehensive Plan (CP) Consistency

The subject property has an underlying Future Land Use Map (FLUM) designation of Planned Development – High Density Residential – Student Housing (PD-HDR-Student Housing) with a specific development program of 2,400 student housing beds. The proposed PD zoning district and development program is consistent with the PD-HDR-Student Housing FLUM designation; therefore a CP amendment is not necessary. Additionally, the request is consistent with the following CP provisions:

FLU1.1.2(F) states that student housing may be permitted only on property with a future land use designation of Medium Density Residential, Medium-High Density Residential, High Density Residential, or Planned Development. A planned development zoning classification shall be required for all student housing projects.

FLU1.1.2(F)(1) states that Student housing density shall be calculated based on the number of bedrooms, with four (4) bedrooms equal to one (1) multi-family unit. An alternative density calculation may be permitted upon the approval of the Board of County Commissioners, provided the developer has committed to a mobility plan to be implemented with the development of the student housing project, has demonstrated a need for the additional units, and/or has proposed a redevelopment project located within the area extending one (1) mile east and one (1) mile west of the Alafaya Trail corridor, between McCulloch Road and State Road 408.

FLU1.1.5 states that the County shall encourage mixed-use development, infill development and transit oriented development to promote compact urban form and efficiently use land and infrastructure in the Urban Service Area.

FLU1.4.1 states that Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.

FLU8.1.1 states that the zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the location, availability and capacity of services and facilities, market demand, and environmental features shall also be used in determining which specific zoning district is most appropriate. Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning.

OBJ FLU8.2 states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

FLU8.2.1 states that land use changes shall be required to be compatible with existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

FLU8.2.2 states that continuous stretches of similar housing types and density of units shall be avoided. A diverse mix of uses and housing types shall be promoted.

FLU8.2.11 states that compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of a project and its function in the broader community, as well its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

Overlay Ordinance

The subject property is not located within an Overlay District.

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located within a JPA.

Environmental

Conservation Area Impact (CAI-23-11-055) is currently in process and has not been issued to date. This site is located within the Econlockhatchee River Protection Ordinance area. Basin-wide regulations may apply. This may include, but is not limited to, increased buffer size, more stringent habitat protection regulations, increased stormwater requirements, and additional landscaping requirements.

This environmental review only addresses Orange County environmental regulatory code, however, the project shall also obtain and comply with all other existing environmental permits and applicable environmental regulations of, but not limited to: the Army Corps of Engineers, the Florida Department of Environmental Protection, and the applicable Water Management District, the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC). It is possible that one of the other agencies could deny the request even if the County approves it. It is imperative that this proposed plan be addressed on a multi-agency basis. The permittee must comply with the most stringent requirements.

Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as imperiled species (endangered, threatened, or species of special concern). The applicant is responsible to determine the presence of these concerns and to verify and obtain, if necessary, any required habitat permitting of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC). No construction, clearing, filling, alteration or grading is allowed within or immediately adjacent to a conservation area or easement (includes the conservation area and the wetland setback/buffer) without first obtaining a Conservation Area Impact (CAI) permit approved by the county and obtaining other applicable jurisdictional agency permits.

Transportation Planning

Based on the Concurrency Management database (CMS) dated 4/28/2023, there are multiple failing roadway segments within the project's impact area. Alafaya Tr, from University Blvd to Colonial Dr (2 segment(s)) and University Blvd, from Dean Rd to Rouse Rd (1 segment(s)) are failing. This information is dated and subject to change. Existing/Valid transportation capacity entitlements not found. Development will require transportation capacity via a Capacity Encumbrance Letter (CEL) Application. Please contact the Concurrency Management Office for more information. NOTE: should this project be located near failing roadways then a traffic study will be required with the CEL application.

Pursuant to Article XII, Chapter 30, Orange County Code, unless documentation to the County's satisfaction has been provided proving that a property is exempt or vested, each property must apply for and obtain concurrency. Unless required at a different time (by agreement, condition of approval, etc.), residential, and non-residential properties

which are required to plat, must obtain concurrency prior to approval of the plat and non-residential properties that are not required to plat must obtain concurrency prior to obtaining the first building permit. Concurrency may be obtained earlier than plat or building permit, but it is ultimately the responsibility of the applicant to obtain concurrency, including any proportionate share agreement, as applicable, in a timely fashion. Should an applicant wait to obtain concurrency until later in the development process, the County will not be responsible for any delays caused by the applicant's failure to obtain concurrency in a timely fashion. We encourage applicant provide a shuttle service to support the waiver of the parking.

Community Meeting Summary

A community meeting was held July 17, 2023 at Florida Technical College for this project. A total of 346 notices were sent to a 1,500 foot buffer surrounding the proposed project area. There were approximately zero residents in attendance, excluding Orange County staff, a representative from District 5, and the applicant team.

Schools

Orange County Public Schools has reviewed this plan and did not identify any outstanding issues or concerns.

Specific Project Expenditure Report and Relationship Disclosure Forms

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

ACTION REQUESTED

Development Review Committee (DRC) Recommendation – (February 14, 2024)

Make a finding of consistency with the Comprehensive Plan and approve the substantial change to The Place at Alafaya Student Housing Land Use Plan (LUP), dated “Received February 22, 2024”, subject to the following conditions:

1. Development shall conform to The Place at Alafaya Student Housing Land Use Plan (LUP) dated “Received February 22, 2024,” and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated “Received February 22, 2024,” the condition of approval shall control to the extent of such conflict or inconsistency.

2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit, or any other development order, if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).

6. If applicable, an Acknowledgement of Contiguous Sustainable Agricultural Land pursuant to Section 163.3163, Florida Statutes, must be executed and recorded in the Public Records of Orange County, Florida, prior to final approval of this plan and a copy of such Acknowledgment shall be submitted with all future permit applications for this project.
7. Pursuant to Article XII, Chapter 30, Orange County Code, unless documentation to the County's satisfaction has been provided proving that a property is exempt or vested, each property must apply for and obtain concurrency. Unless required at a different time (by agreement, condition of approval, etc.), residential, and non-residential properties which are required to plat, must obtain concurrency prior to approval of the plat and non-residential properties that are not required to plat must obtain concurrency prior to obtaining the first building permit. Concurrency may be obtained earlier than plat or building permit, but it is ultimately the responsibility of the applicant to obtain concurrency, including any proportionate share agreement, as applicable, in a timely fashion. Should an applicant wait to obtain concurrency until later in the development process, the County will not be responsible for any delays caused by the applicant's failure to obtain concurrency in a timely fashion.
8. As required by Section 38-1259(e), Orange County Code, for all student housing projects, a Mobility Plan shall be submitted with the DP to the Transportation Planning Division. The student housing mobility plan shall describe and depict pedestrian and bicycle systems and facility needs consistent with this section, transit service and facility needs, university and County coordination measures that will be implemented by the developer to manage transportation demand and promote pedestrian and bicycle safety, and designation of appropriate space within the development for carsharing, bike sharing, and electric car charging stations, as they may be implemented within the university area. The student housing mobility plan also shall describe and depict the pedestrian and bicycle safety features cross-sections, marked and stamped crosswalks, safety beacons, traffic signal modifications, pedestrian scale lighting, and other pedestrian and bicycle safety features (with associated funding and maintenance responsibilities) that will be provided and are needed (and warranted, as applicable) to ensure safe pedestrian and bicycle access to adjacent land uses and across major roadways to commercial land uses and transit facilities. Improvements identified by the plans shall be constructed or implemented prior to issuance of a certificate of occupancy and shall be consistent with the most recent editions of Florida Department of Transportation standards. As required by Section 38-1259(e), Orange County Code, for all student housing projects, a community/site design plan for crime prevention through environmental controls shall be submitted with the DP to the Planning Division and must be consistent with the Crime Prevention through Environmental Design ("CPTED") Manual used by the International CPTED Association and Florida CPTED Network.
9. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish and Wildlife Conservation Commission (FWC).

10. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
11. In compliance with FEMA regulations, property owners or engineers shall provide a Letter of Map Change (LOMC) for the conditions listed below. 1. Developments in the 1% annual chance flood (100-year flood) floodplain without established Base Flood Elevations (BFE) depicted as Zone A: A Letter of Map Revision (LOMR) should be submitted to FEMA to establish the BFE. Once approved, the FEMA approval LOMR must be included in the construction plan review package. 2. Modifications to Flood Insurance Rate Map (FIRM) depicted as Zone AE: For modifications to base flood elevations, floodway, or flood hazard area boundaries on the Flood Insurance Rate Maps (FIRMs), a Conditional Letter of Map Revision (CLOMR) should be submitted to FEMA. The FEMA-approved CLOMR should be uploaded to LDMS prior to the construction plan approval. A subsequent Letter of Map Revision (LOMR) reflecting final construction will be required. A documentation hold will be set at the Certificate of Occupancy/Construction Certification for this LOMR. The LOMR application should be submitted to FEMA within 30-days of the project completion. The FEMA approved LOMR must be submitted and uploaded to LDMS to release the documentation hold. 3. Development in the Floodway: A no-rise certification must be submitted to the Stormwater Management Division for review. If a no-rise certification is not applicable, follow the CLOMR and LOMR submission process as outlined in item 2. 4. Compensation Storage: All projects within the 1% annual chance flood (100-year flood) floodplain must provide compensation storage for displaced floodwater. Please refer to Orange County Code Section 19 for more information.
12. A Master Utility Plan (MUP) for the PD shall be submitted to Orange County Utilities at least thirty (30) days prior to submittal of the first set of construction plans. Construction plans within this PD shall be consistent with an approved and up-to-date Master Utility Plan (MUP). MUP updates shall be submitted to Orange County Utilities at least thirty (30) days prior to the corresponding construction plan submittal. The MUP and updates must be approved prior to Construction Plan approval.
13. The developer shall obtain water and wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
14. In order to qualify as student housing, all units must comply at all times with the definition of student housing in Section 38-1, Orange County Code, as such definition exists as of the date of approval of this development plan. Failure to comply with such definition may subject the project to code enforcement and/or increased impact fees, as well as any applicable concurrency requirements
15. Short term / transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
16. Tree removal/earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.

17. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code, as may be amended.
18. Per Sec. 38-1259(a) of Orange County Code, as may be amended, a student housing development plan shall require approval through a public hearing before the Board of County Commissioners.
19. Associated offsite infrastructure including, but not limited to, connecting roadways, roadway improvements, and public utilities, must be submitted as an E-Plan and have a Certificate of Completion prior to platting.
20. The stormwater management system shall be designed to retain the 100-year/24-hour storm event onsite. The developer shall comply with all applicable state and local stormwater requirements and regulations.
21. Prior to construction plan approval, documentation must be provided certifying that this project has the legal right to tie into the master drainage system.
22. The owner of the student housing complex shall provide a security service twenty-four-seven through the property management staff. Also, the owner shall provide additional security for known special events, including during annual move in and football game days.
23. A shuttle with transportation to and from UCF shall be provided to residents of the student housing complex.
24. The exterior of parking garages shall be wrapped with units or other occupiable space.
25. The following waivers from Orange County Code are granted:
 - a. A waiver from Sec. 38-1258 (b) to allow multi-family buildings at a height of five (5) stories and seventy (70) feet within three hundred (300) ft. of the north property line, and multi-family buildings at a height of eight (8) stories and one hundred ten (110) feet for the remainder of the site, in lieu of a maximum height of three (3) stories, and forty (40) tall.
 - b. A waiver from Section 38-1258(d) to allow no masonry, brick or block wall in lieu of a six-foot high masonry, brick, or block wall shall be constructed, wherever a multi-family development is located adjacent to single family zoned property.
 - c. A waiver from Section 38-1259 (b) to allow no separation between student housing development and single-family zoned property in lieu of a minimum distance separation of four hundred feet (400').
 - d. A waiver from Section 38-1259 (c) to allow development of twenty-four hundred (2,400) total bedrooms in lieu of not more than seven hundred and fifty (750) total bedrooms.
 - e. A waiver from Section 38-1476 (a) to allow for student housing parking at a ratio of nine tenths (0.9) spaces per bedroom, in lieu of one (1.0) space per bedroom.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested PD (Planned Development District) zoning. The applicant was present and agreed with the staff recommendation. No members of the public were present to speak during public comment.

Staff indicated that three hundred forty-six (346) notices were sent to property owners and residents extending beyond 1,500 feet surrounding the property, and that staff had received zero (0) responses in favor, and zero (0) responses in opposition of the request.

A motion was made by Commissioner Spears, and seconded by Commissioner Fernandez to recommend APPROVAL of the requested PD (Planned Development District) zoning subject to twenty-five (25) conditions listed in the staff report including five (5) from Orange County Code. The motion carried 4 to 1.

Motion / Second	<i>Gordon Spears / Eddie Fernandez</i>
Voting in Favor	<i>Gordon Spears, Eddie Fernandez, George Wiggins and Evelyn Cardenas</i>
Voting in Opposition	<i>David Boers</i>
Absent	<i>Walter Pavon, Camille Evans, Nelson Pena, and Michael Arrington</i>

PZC RECOMMENDED ACTION

Planning and Zoning Commission (PZC) Recommendation – (March 21, 2024)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of The Place at Alafaya Student Housing Land Use Plan (LUP), dated “Received February 22, 2024”, subject to the 25 conditions listed in the staff report, subject to the following conditions:

1. Development shall conform to The Place at Alafaya Student Housing Land Use Plan (LUP) dated “Received February 22, 2024,” and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or

inconsistency between a condition of approval and the land use plan dated "Received February 22, 2024," the condition of approval shall control to the extent of such conflict or inconsistency.

2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit, or any other development order, if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements

identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).

6. If applicable, an Acknowledgement of Contiguous Sustainable Agricultural Land pursuant to Section 163.3163, Florida Statutes, must be executed and recorded in the Public Records of Orange County, Florida, prior to final approval of this plan and a copy of such Acknowledgment shall be submitted with all future permit applications for this project.
7. Pursuant to Article XII, Chapter 30, Orange County Code, unless documentation to the County's satisfaction has been provided proving that a property is exempt or vested, each property must apply for and obtain concurrency. Unless required at a different time (by agreement, condition of approval, etc.), residential, and non-residential properties which are required to plat, must obtain concurrency prior to approval of the plat and non-residential properties that are not required to plat must obtain concurrency prior to obtaining the first building permit. Concurrency may be obtained earlier than plat or building permit, but it is ultimately the responsibility of the applicant to obtain concurrency, including any proportionate share agreement, as applicable, in a timely fashion. Should an applicant wait to obtain concurrency until later in the development process, the County will not be responsible for any delays caused by the applicant's failure to obtain concurrency in a timely fashion.
8. As required by Section 38-1259(e), Orange County Code, for all student housing projects, a Mobility Plan shall be submitted with the DP to the Transportation Planning Division. The student housing mobility plan shall describe and depict pedestrian and bicycle systems and facility needs consistent with this section, transit service and facility needs, university and County coordination measures that will be implemented by the developer to manage transportation demand and promote pedestrian and bicycle safety, and designation of appropriate space within the development for carsharing , bike sharing, and electric car charging stations, as they may be implemented within the university area. The student housing mobility plan also shall describe and depict the pedestrian and bicycle safety features cross-sections, marked and stamped crosswalks, safety beacons, traffic signal modifications, pedestrian scale lighting, and other pedestrian and bicycle safety features (with associated funding and maintenance responsibilities) that will be provided and are needed (and warranted, as applicable) to ensure safe pedestrian and bicycle access to adjacent land uses and across major roadways to commercial land uses and transit facilities. Improvements identified by the plans shall be constructed or implemented prior to issuance of a certificate of occupancy and shall be consistent with the most recent editions of Florida Department of Transportation standards. As required by Section 38-1259(e), Orange County Code, for all student housing projects, a community/site design plan for crime prevention through environmental controls shall be submitted with the DP to the Planning Division and must be consistent with the Crime Prevention through Environmental Design ("CPTED") Manual used by the International CPTED Association and Florida CPTED Network.
9. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish

and Wildlife Service (USFWS) and the Florida Fish and Wildlife Conservation Commission (FWC).

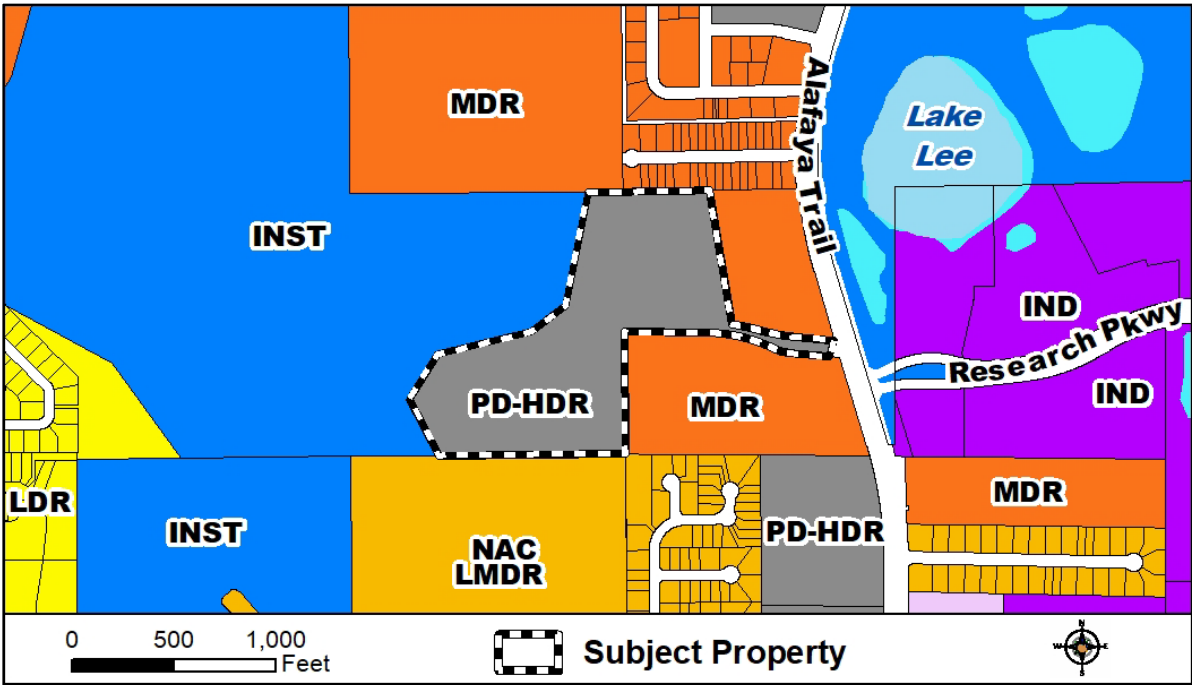
10. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
11. In compliance with FEMA regulations, property owners or engineers shall provide a Letter of Map Change (LOMC) for the conditions listed below. 1. Developments in the 1% annual chance flood (100-year flood) floodplain without established Base Flood Elevations (BFE) depicted as Zone A: A Letter of Map Revision (LOMR) should be submitted to FEMA to establish the BFE. Once approved, the FEMA approval LOMR must be included in the construction plan review package. 2. Modifications to Flood Insurance Rate Map (FIRM) depicted as Zone AE: For modifications to base flood elevations, floodway, or flood hazard area boundaries on the Flood Insurance Rate Maps (FIRMs), a Conditional Letter of Map Revision (CLOMR) should be submitted to FEMA. The FEMA-approved CLOMR should be uploaded to LDMS prior to the construction plan approval. A subsequent Letter of Map Revision (LOMR) reflecting final construction will be required. A documentation hold will be set at the Certificate of Occupancy/Construction Certification for this LOMR. The LOMR application should be submitted to FEMA within 30-days of the project completion. The FEMA approved LOMR must be submitted and uploaded to LDMS to release the documentation hold. 3. Development in the Floodway: A no-rise certification must be submitted to the Stormwater Management Division for review. If a no-rise certification is not applicable, follow the CLOMR and LOMR submission process as outlined in item 2. 4. Compensation Storage: All projects within the 1% annual chance flood (100-year flood) floodplain must provide compensation storage for displaced floodwater. Please refer to Orange County Code Section 19 for more information.
12. A Master Utility Plan (MUP) for the PD shall be submitted to Orange County Utilities at least thirty (30) days prior to submittal of the first set of construction plans. Construction plans within this PD shall be consistent with an approved and up-to-date Master Utility Plan (MUP). MUP updates shall be submitted to Orange County Utilities at least thirty (30) days prior to the corresponding construction plan submittal. The MUP and updates must be approved prior to Construction Plan approval.
13. The developer shall obtain water and wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
14. In order to qualify as student housing, all units must comply at all times with the definition of student housing in Section 38-1, Orange County Code, as such definition exists as of the date of approval of this development plan. Failure to comply with such definition may subject the project to code enforcement and/or increased impact fees, as well as any applicable concurrency requirements
15. Short term / transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.

16. Tree removal/earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
17. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code, as may be amended.
18. Per Sec. 38-1259(a) of Orange County Code, as may be amended, a student housing development plan shall require approval through a public hearing before the Board of County Commissioners.
19. Associated offsite infrastructure including, but not limited to, connecting roadways, roadway improvements, and public utilities, must be submitted as an E-Plan and have a Certificate of Completion prior to platting.
20. The stormwater management system shall be designed to retain the 100-year/24-hour storm event onsite. The developer shall comply with all applicable state and local stormwater requirements and regulations.
21. Prior to construction plan approval, documentation must be provided certifying that this project has the legal right to tie into the master drainage system.
22. The owner of the student housing complex shall provide a security service twenty-four-seven through the property management staff. Also, the owner shall provide additional security for known special events, including during annual move in and football game days.
23. A shuttle with transportation to and from UCF shall be provided to residents of the student housing complex.
24. The exterior of parking garages shall be wrapped with units or other occupiable space.
25. The following waivers from Orange County Code are granted:
 - a. A waiver from Sec. 38-1258 (b) to allow multi-family buildings at a height of five (5) stories and seventy (70) feet within three hundred (300) ft. of the north property line, and multi-family buildings at a height of eight (8) stories and one hundred ten (110) feet for the remainder of the site, in lieu of a maximum height of three (3) stories, and forty (40) tall.
 - b. A waiver from Section 38-1258(d) to allow no masonry, brick or block wall in lieu of a six-foot high masonry, brick, or block wall shall be constructed, wherever a multi-family development is located adjacent to single family zoned property.
 - c. A waiver from Section 38-1259 (b) to allow no separation between student housing development and single-family zoned property in lieu of a minimum distance separation of four hundred feet (400').

- d. A waiver from Section 38-1259 (c) to allow development of twenty-four hundred (2,400) total bedrooms in lieu of not more than seven hundred and fifty (750) total bedrooms.
- e. A waiver from Section 38-1476 (a) to allow for student housing parking at a ratio of nine tenths (0.9) spaces per bedroom, in lieu of one (1.0) space per bedroom.

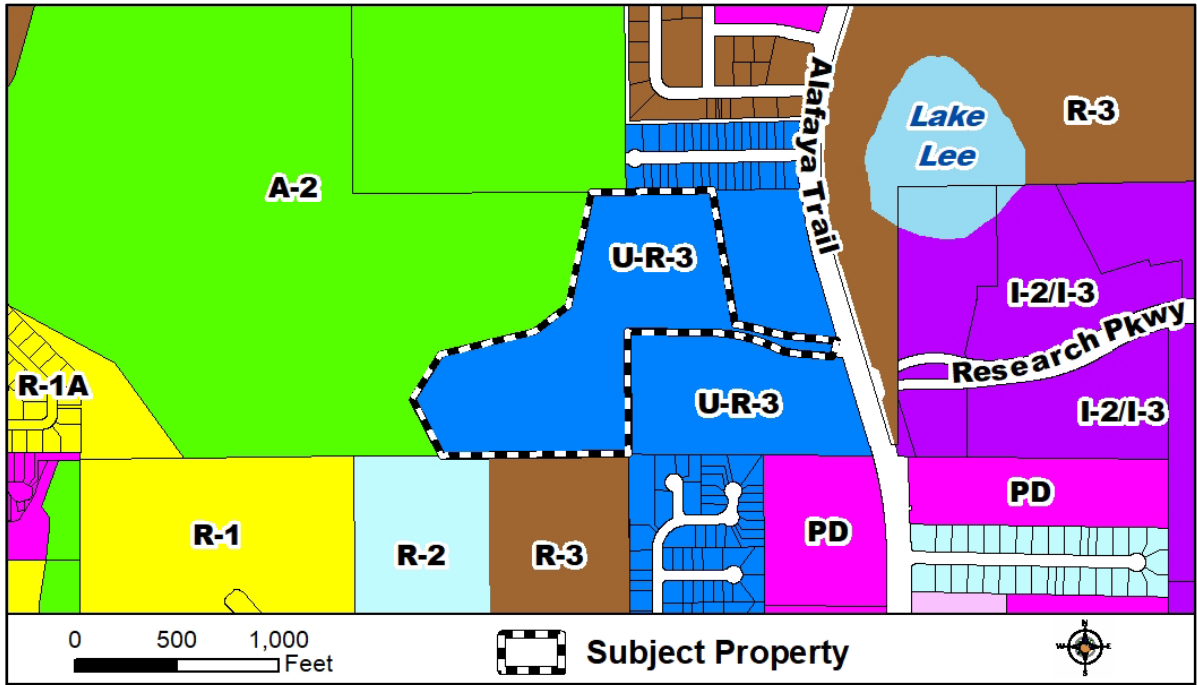
FUTURE LAND USE - CURRENT

Planned Development - High Density Residential - Student Housing (PD-HDR)



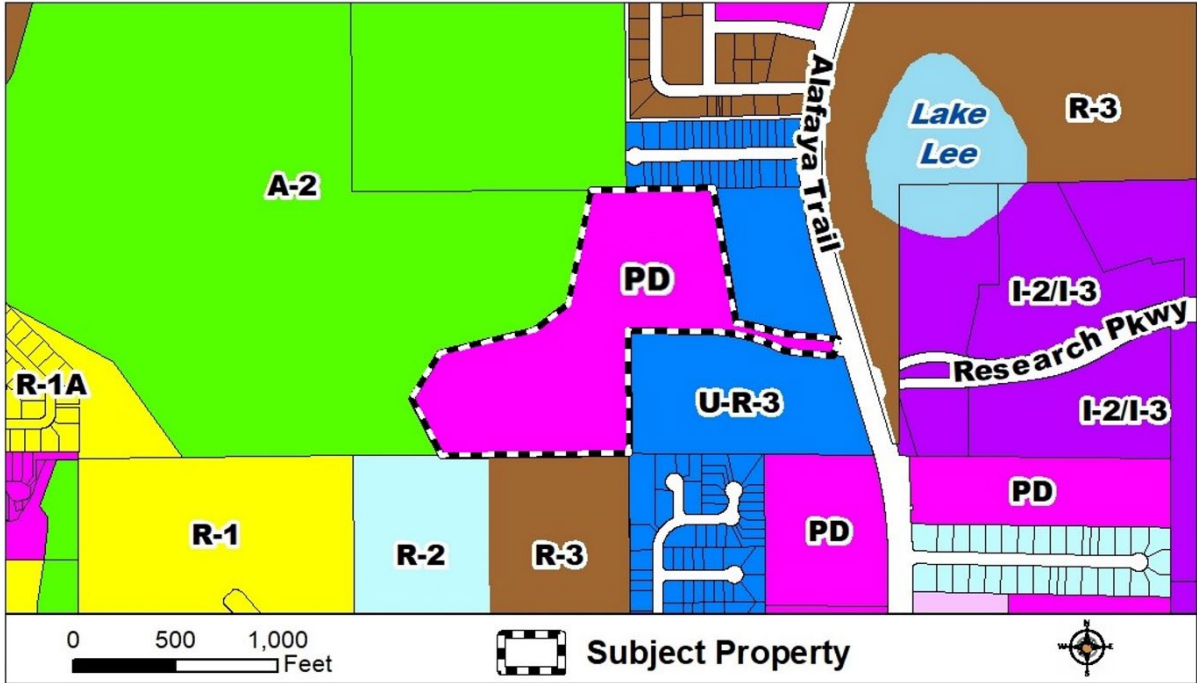
ZONING – CURRENT

U-R-3 (University Residential District)



ZONING – PROPOSED

PD (Planned Development District)



The Place at Alafaya Student Housing PD/LUP (Cover Sheet)

LAND USE PLAN
THE PLACE AT ALAFAYA
STUDENT HOUSING PD

LUP-23-04-127
Orange County, Florida
January 12, 2024

SHEET INDEX

LUP-1	COVER SHEET
LUP-2	LANDUSE PLAN
LUP-3 - LUP-3A	EXHIBITS
LUP-4 to 6	SURVEY

LEGAL DESCRIPTION

PARCEL A:
PORTION OF THE SOUTHEAST 1/4 OF SECTION 9, TOWNSHIP 22 SOUTH, RANGE 31 EAST, AND A PORTION OF THE SOUTHWEST 1/4 OF SECTION 10, TOWNSHIP 22 SOUTH, RANGE 31 EAST, ORANGE COUNTY, FLORIDA, BEING MORE FULLY DESCRIBED AS FOLLOWS:

[illegible]

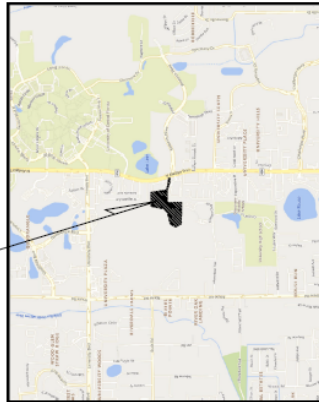
SECTION 22
 BEGIN AT THE SOUTHEAST CORNER OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 9, TOWNSHIP 22 SOUTH, RANGE 3 EAST, CHANCE COUNTY, FLORIDA, RUN DUE WEST, A DISTANCE OF 910.0 FEET; THENCE NORTH 27°35'39" WEST, A DISTANCE OF 295.0 FEET; THENCE DUE WEST, A DISTANCE OF 371.70 FEET; EAST, 160.62 FEET; THENCE NORTH 70°20'41" EAST, A DISTANCE OF 295.0 FEET; THENCE DUE WEST, A DISTANCE OF 371.70 FEET; THENCE NORTH 27°35'39" WEST, A DISTANCE OF 910.0 FEET TO A POINT WHICH INTERSECTS WITH A LINE RUNNING EAST TO WEST 800 FEET NORTH OF THE SOUTH PROPERTY LINE.
 THENCE DUE EAST 234.31 FEET TO A POINT INTERSECTING THE SECTION LINE BETWEEN SECTION 9, TOWNSHIP 22 SOUTH, RANGE 3 EAST, AND SECTION 10, TOWNSHIP 22 SOUTH, RANGE 3 EAST; THENCE SOUTH 17°47'41" EAST

ARCEL C.
PORTION OF THE SOUTHEAST 1/4 OF SECTION 9, TOWNSHIP 22 SOUTH, RANGE 31 EAST, AND A PORTION OF THE SOUTHWEST 1/4 OF SECTION 10, TOWNSHIP 22 SOUTH, RANGE 31 EAST, ORANGE COUNTY, FLORIDA, BEING MORE

[illegible][illegible]

CONTAINING 25.208 ACRES OF LAND, MORE OR LESS.
PARCEL A +/- 10.877 ACRES
PARCEL B +/- 12.044 ACRES
PARCEL C +/- 2.485 ACRES

PROJECT LOCATION



VICINITY MAP

PROJECT TEAM

OWNER
NEW ARBOUT APARTMENTS, LLC
1000 WEST PARK AVENUE SOUTH, 18th FLOOR
DENVER, CO 80202
CONTACT: JAMES FREEDMAN
PHONE: (312) 946-5000
E-MAIL: jfreedman@newarbout.com

CIVIL ENGINEER
KIMLEY-HORN AND ASSOCIATES, INC.
1815 S. GRANGE AVENUE, SUITE 1500
DENVER, CO 80202
CONTACT: PAUL THAN A. MARTIN, P.E.
PHONE: (437) 606-1511
E-MAIL: paulmartin@kimley-horn.com

DEVELOPER: ALPINE RESIDENTIAL, LLC
1521 PARK AVENUE SOUTH, 15TH FLOOR
HOUSTON, TX 77056-3078
CONTACT: CARA NGAN
PHONE: (841) 980-8500
FAX: (841) 980-8500
E-MAIL: caran@alpinehomes.com

SURVEYOR: REPUBLIC NATIONAL
485 NEEDLES TRAIL
HOUSTON, TX 77056-3078
CONTACT: MICHAEL SOUTIRO, P.L.S.
PHONE: (407) 804-5200
FAX: (407) 804-5200
E-MAIL: mike@southiro.com

PREPARED BY
Kimley»»Horn

PD NARRATIVE

1. Request to create a new PO to be consistent with the future land use of PD-HOR (Student Housing)
2. The Place at Aulaville PD will comply with the requirements of the Future Land Use designation of PD-HOR (Student Housing)

WAIVERS FROM ORANGE COUNTY CODE

[illegible]

- [illegible]

Justification: Based on the parking study conducted for this site by Transwalle D Rodriguez Mufiz, P.E. on April 10, 2023, the proposed on lot (0) 2 spaces per bedroom is adequate to serve the site's anticipated parking demand.

RECEIVED
By DRC at 9:41 am, Feb 22, 2024

LUP-1



Notification Map

